

Washington, DC (Sept. 19, 2012) – Today, Rep. Elijah E. Cummings, Ranking Member of the House Committee on Oversight and Government Reform, released the following statement after receiving a briefing from the Department of Justice's Inspector General on its comprehensive report of gunwalking in Operations Wide Receiver and Fast and Furious:

"The IG's comprehensive report debunks many of the extreme allegations made by Republicans and confirms many of the conclusions reached in a report I issued nearly a year ago—that neither the Attorney General nor senior DOJ officials authorized or approved of gunwalking in Fast and Furious, that gunwalking started under the Bush Administration in 2006, and that ATF agents in Phoenix and the U.S. Attorney's Office in Arizona share responsibility for misguided operations spanning five years. Although the report does not find that DOJ intentionally misled Congress, it does find that the Department could have done a better job responding to requests for information, particularly after determining that the weapons found at the scene at Agent Terry's murder were linked to the operation. I hope this report provides the Terry family with much-needed answers and that Congress can now turn the page and focus on reforms to help ensure that this never happens again."

## **Summary of DOJ Inspector General Report on Operation**

### **Fast and Furious and Operation Wide Receiver**

Washington, D.C. (Sept. 19, 2012)—Today, the Inspector General of the Department of Justice, Michael E. Horowitz, issued his office's report on allegations of "gunwalking" by the Phoenix Field Division of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). The report was requested on February 28, 2011, by Attorney General Eric Holder.

The Inspector General's report was the result of year-and-a-half long investigation that involved a review of more than 100,000 pages of documents and interviews of more than 130 witnesses. Executive privilege was not asserted over any aspect of the Inspector General's report or any of the documents on which the report relied.

With respect to the more extreme claims made by Committee Chairman Darrell E. Issa, the Inspector General's report did not substantiate them. The report did not support allegations that gunwalking was a strategy authorized and approved by the Attorney General, that gunwalking was used as a deliberate strategy to promote stronger gun laws, that the FBI concealed a "third gun" from the murder scene of Agent Brian Terry, or that Department officials intentionally misled Congress during the Committee's investigation.

In contrast, the report's findings did parallel many of those set forth in a report issued last January by Rep. Elijah E. Cummings, the Ranking Member of the House Committee on Oversight and Government Reform. That report found that Operation Fast and Furious was the latest in a series of fatally flawed operations run by ATF field agents in Phoenix during both the previous and current administrations.

The Integrity Committee of the Council of Inspectors General on Integrity and Efficiency has

described the Inspector General's office as "a model of independence, objectivity, and above all integrity in every aspect of its daily pursuits," and concluded that it has "fully earned an unquestioned reputation for successfully addressing highly difficult and sensitive cases, and deserves the trust and confidence of the public."

***No finding that the Attorney General authorized, approved of, or knew about "gunwalking."***

- The Inspector General's report found "no evidence that Attorney General Holder was informed about Operation Fast and Furious, or learned about the tactics employed by ATF in the investigation, prior to January 31, 2011." (p.297)
- The Inspector General's report does not support Chairman Issa's claims that gunwalking was "an approved plan uh, that you know is basically at the highest levels of the Obama appointees" and that the Department "authorized every aspect of this ... at the highest level."
- Ranking Member Cummings' report also found "no evidence indicating that the Attorney General authorized gunwalking or that he was aware of such allegations before they became public."

***Gunwalking started under the Bush Administration in 2006.***

- The Inspector General's report concluded that Operation Wide Receiver "was noteworthy because it informed our understanding of how these tactics were used by ATF more than three years before Operation Fast and Furious was initiated." (p. 27)

- Similarly, Ranking Member Cummings' report found that "gunwalking operations originated as early as 2006 as agents in the Phoenix Field Division of ATF devised a strategy to forego arrests against low-level purchasers while they attempted to build bigger cases against higher-level trafficking organizers and financiers."

***Gunwalking began in Operation Wide Receiver.***

- The Inspector General's report found that ATF agents in Operation Wide Receiver "knew that the subjects were purchasing firearms for other persons, converting firearms to illegal weapons, and transporting firearms to Mexico. However, during the course of Operation Wide Receiver, agents did not arrest any subjects and seized less than a quarter of the more than 400 firearms purchased." (p. 28)

- Similarly, Ranking Member Cummings' report found that, during Operation Wide Receiver, ATF agents in Phoenix "watched in real-time as traffickers purchased guns and drove them across the border into Mexico." This continued until the lead ATF case agent concluded: "We have reached that stage where I am no longer comfortable allowing additional firearms to 'walk'."

***Wiretap affidavits in both Wide Receiver and Fast and Furious included potential red flags, but senior officials did not read them.***

- The Inspector General's report found: "We reviewed the wiretap affidavits in both Operation Wide Receiver and Operation Fast and Furious and concluded that the affidavits in both cases included information that would have caused a prosecutor who was focused on the question of investigative tactics, particularly one who was already sensitive to the issue of 'gun walking,' to have questions about ATF's conduct of the investigations." (p. 429)

***Operation Fast and Furious was a ground-up operation.***

- The Inspector General's report found that "Operation Fast and Furious and related matters revealed a series of misguided strategies, tactics, errors in judgment, and management failures that permeated ATF Headquarters and the Phoenix Field Division, as well as the U.S. Attorney's Office for the District of Arizona." (p. 471)

- The Inspector General's report also found that "the decision of ATF and the U.S. Attorney's Office to not take action against straw purchasers earlier in the investigation was primarily the result of tactical and strategic decisions by the agents and prosecutors, rather than because of any legal limitation on their ability to do so." (p. 134)

- Similarly, Ranking Member Cummings's report found that "ATF agents in Phoenix and prosecutors in the Arizona U.S. Attorney's Office embarked on a deliberate strategy not to arrest straw purchasers while they attempted to make larger cases against higher-level targets," and that "these officials claimed they had no probable cause to arrest any straw purchasers at the time."

***No finding that senior Department officials intentionally misled Congress.***

- The Inspector General's report did not find that senior Justice Department officials engaged in an intentional effort to mislead Congress. Instead, the Inspector General found that "Department officials relied on information provided by senior component officials that was not accurate." (p. 395)

- The Inspector General's report also found: "In preparing the February 4 response to the allegations in Sen. Grassley's January 27 letter, the primary sources of information to Department officials about Operation Fast and Furious were [U.S. Attorney Dennis] Burke, [Acting ATF Director Ken] Melson, and [Acting ATF Deputy Director Billy] Hoover ... these component officials failed to exercise appropriate oversight of the investigation, and to some extent were themselves receiving incorrect or incomplete information from their subordinates about it." (pp. 395-396)

- The Inspector General's report also found that a "May 2 letter [to Congress] was true only in the most literal sense" and "reasonably could be understood as at least a partial reaffirmation of the February 4 letter at a time when Department officials knew or should have known that the February 4 letter contained inaccurate information." (p. 468)

- The Inspector General's report does not support Chairman Issa's claims that "[t]here's no question that this was a cover-up from day one," that "the top brass at Justice they knew and reported and was fully aware that guns were walking while they were telling Congress that they never let guns walk," and that "at some point, Eric Holder became part of the cover-up."

***No finding that the Administration promoted gunwalking to justify stronger gun laws.***

- The Inspector General's report found "no evidence that contradicted Melson's statements to us concerning the long gun reporting requirement; and no evidence that ATF Phoenix initiated the investigation in order to facilitate efforts to obtain long gun legislation." (p. 263)

- The Inspector General's report included no evidence to support Chairman Issa's claims that, "Very clearly, they made a crisis, and they are using this crisis to somehow take away or limit people's second amendment rights," or "What were they thinking of? Could it be that what they really were thinking of was in fact to use this, this walking of guns in order to promote an assault weapons ban? Many think so, and they haven't come up with an explanation that would cause any of us not to agree."